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Seiji Kashioka
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MAILED

MAR 12 2012

OFFICE OF PETITIONS

In re Application of :
Seiji Kashioka :
Application No. 10/593,889 : DECISION ON RENEWED PETITION
Filed: September 23, 2006 : UNDER 37 C.F.R. § 1.137(B)
Title: METRONOME RESPONDING TO :
MOVING TEMPO :

This is a decision on the renewed petition pursuant to 37 C.F.R. § 1.137(b), filed on January 27, 2012, to revive the above-identified application.

This renewed petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. § 1.113 in a timely manner to the final Office action mailed May 24, 2011, which set a shortened statutory period for reply of three months. An after-final amendment was received on August 23, 2011, and an advisory action was mailed on September 22, 2011. No extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested, and no further responses were received. Accordingly, the above-identified application became abandoned on August 25, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in

Decision on Renewed Petition pursuant to 37 C.F.R. § 1.137(b)

37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

An original petition pursuant to 37 C.F.R. § 1.137(b) was filed on December 22, 2011, along with a portion of the petition fee, the proper statement of unintentional delay, and an amendment.

The original petition pursuant to 37 C.F.R. § 1.137(b) was dismissed via the mailing of a decision on January 17, 2012 which indicated the petition fee was required in full before the matter could be treated on the merits.

With this renewed petition pursuant to 37 C.F.R. § 1.137(b), Petitioner has included the remainder of the petition fee. The amendment that was included with the original petition pursuant to 37 C.F.R. § 1.137(b) has been considered by the Examiner. A communication from the Examiner has been included with this decision.

The first, second, and third requirements of Rule 1.137(b) have been satisfied. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on January 27, 2012 can be processed in due course.

Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.²



Paul Shanowski
Senior Attorney
Office of Petitions

Encl. Miscellaneous Office Communication

¹ See Rule 1.137(d).

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/593,889	23 September, 2006	KASHIOKA, SEIJI	

Seiji Kashioka 19743 Vista Hermosa Dr Walnut, CA 91789		EXAMINER	
		ANDREW R. MILLIKIN	
		ART UNIT	PAPER
		2832	20120212

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Amendment dated 27 January 2012 is OK to enter upon revival.

/ANDREW R MILLIKIN/
Examiner, Art Unit 2832